



Bureau of Competition  
Health Care Division

UNITED STATES OF AMERICA  
Federal Trade Commission  
WASHINGTON, D.C. 20580

May 17, 2021

The Honorable Denise Cote  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1910  
New York, NY 10007

**Re: FTC, et al. v. Vyera Pharmaceuticals, LLC, et al., 1:20-cv-00706 (DLC)**

Dear Judge Cote:

The Federal Trade Commission respectfully requests permission to file under seal Plaintiffs' letter motion seeking spoliation sanctions against Defendant Martin Shkreli and the following supporting exhibits:

- Ex. A (excerpts from Shkreli's interrogatory responses);
- Ex. B (excerpts from Shkreli deposition transcript);
- Ex. D (Feb. 4, 2021 letter from Casey to Black);
- Ex. E (Mar. 8, 2021 letter from Casey to Black);
- Ex. F (excerpts from Akeel Mithani investigational hearing transcript);
- Ex. G (Apr. 30, 2021 letter from Mahoney to Black);
- Ex. H (excerpts from Defendant Mulleady's interrogatory responses); and
- Ex. I (Oct. 25, 2017 text exchange between Mulleady and Shkreli).

The FTC requests that the Court seal all phone numbers and email addresses from Exhibits A, D, E, G, H, and I, as they are sensitive personally identifiable information.

Pursuant to the Court's orders (ECF 261 & 266), Defendants provided the following proposed findings to justify their requests to seal or partially seal Exhibits A, B, D, F, and H:

- Ex. A. Shkreli requests to seal "the Messaging Accounts because they constitute personal identifying information and/or personal information that is entitled to protection from public disclosure."
- Exs. B & D. Shkreli requests to seal "excerpts contain[ing] information that would subject Mr. Shkreli to embarrassment, humiliation or ridicule, thus entitling it to protection under the Protective Order."

*The request to redact/seal the exhibits is granted. The request to redact the 970 telephone number from the May 17 letter is granted. The request to redact other material from the May 17 letter is denied.*  
*Denise Cote*  
*May 18, 2021*

- Ex. F. The Corporate Defendants request to seal excerpts that “contain commercially sensitive business information, and thus fall within the definition of ‘Confidential Material’ under the Stipulated Protective Order.”
- Ex. H. Mulleady requests to seal compensation information as it is “sensitive personal identifying information.”

For the same reasons, Plaintiffs also request permission to seal portions of the letter motion describing the contents of these documents.

In accordance with Rule 7.B of Your Honor’s Individual Practices in Civil Cases and with the requirements for electronically filing under seal, Plaintiffs will publicly file our letter and Exhibits A, B, D, E, F, G, H, and I with the proposed redactions, as well as Exhibits C, J, and K, which have no proposed redactions. On a separate docket entry, Plaintiffs will file under seal the letter and exhibits with the proposed redactions highlighted.

Sincerely,

/s/ Markus H. Meier  
Assistant Director